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HOFFMAN WARNICK LLC				
75 STATE ST				
14TH FLOOR				
ALBANY, NY 12207				
EXAMINER				
TRAN, TUYETLEEN T				
ART UNIT		PAPER NUMBER		
2179				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

Office Action Summary

Application No.

10/645,057

Applicant(s)

STOCKTON, MARCIA L.

Examiner

TUYETLIEN T. TRAN

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the following communication: the amendment filed on 08/28/08. **This action is made non-final.**
2. Claims 1-20 are pending in the case. Claims 1, 10, 12 and 17 are independent claims.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/28/08 has been entered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimball et al. (US 2004/0034646 A1; hereinafter Kimball) in view of Ohsugi et al. (published article, 'A Recommendation System for Software Function Discovery' APSEC 2002 pages 248-257, hereinafter Ohsugi) further in view of Robinson (Patent No. 5918014; hereinafter Robinson).**

As to claim 1, Kimball teaches:

A method of customizing a user interface (e.g., [0002], [0076]), the method comprising:
defining from a plurality of users a group of users for which a user interface element will be modified, wherein the group of users is less than the plurality of users (e.g., see [0035], Fig. 3, 4B);

Kimball teaches the method for customizing the user interface based on user's grouping information such that different users can enjoy the benefit of a toolbar without the clutter of controls not frequently accessed (e.g., see [0023], [0036]). Kimball teaches the utilization behavior of a user might be recorded and the user interface can be customized based upon the utilization behavior of the user (e.g., see [0063]). While it appears that Kimball teaches recording a use count for the user interface element for each user in the group of users, Kimball does not teach customizing the user interface based on the use counts for the group of users. Specifically, Kimball does not teach:

recording a use count for the user interface element, the use count being an aggregation of use counts for every user in the group of users;

obtaining a use weight for the user interface element with respect to another user interface element based on the use counts for the group of users; and

Ohsugi teaches a system that records usage history for user interface element for each user in the group of users, wherein the use count being an aggregation of use counts (e.g., each user's usage history as shown in Fig. 3 on page 251); obtaining a use weight for the user interface element with respect to another user interface element based on the use counts for the group of users (e.g., all user's summarized usage history, see Fig. 3 on page 251; note that the use weight for the element "Function A" is calculated with respect to other user interface elements such as "Function B"). Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the grouping information taught in

Kimball to include the feature of recording usage history for the group of users taught in Ohsugi to achieve the feature where the user interface can be customized based on the grouping information as well as on the usage history of the group of users and to modify the user interface element for each user in the group of user based on the use weight. This is because Robinson suggests to the skilled artisan that there is a certain likelihood that the subject consumer tends to click on a user interface (an ad) if other members of the community tends to do the same thing (e.g., col. 2 lines 23-26, lines 62-67 through col. 3 lines 1-15). The motivation for the combination is to improve the user's productivity in using application software (e.g., see Ohsugi Abstract).

As to claim 10, claim 10 reflects the method for customizing a user interface, the method comprising steps as claimed in claim 1 and is rejected along the same rationale. Including the following:

Kimball and Ohsugi both teach: associating a server with the group of users (e.g., see Kimball Fig. 6 and Ohsugi's usage history server, see Fig. 2 on page 250). Thus, combining Kimball, Ohsugi, and Robinson would meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 12, claim 12 reflects the system for customizing a user interface, the system comprising: a processor; and a memory (e.g., see Kimball Figures 6, 7), the memory comprising systems for implementing the steps as claimed in claim 1 and is rejected the same rationale.

As to claim 17, claim 17 reflects a program product stored on a computer readable medium for customizing a user interface (e.g., see Kimball [0047]-[0049]), which when executed performing the steps as recited in claim 12 and is rejected along the same rationale.

As to claim 2, Kimball teaches defining the group of users to include a plurality of users and to distinguish the group of users from another group of users by including only users that use an application having the user interface element for a given job function (e.g., see [0035], Fig. 3, 4B) and associating a server with the group of users (e.g., see Fig. 6).

As to claim 3, Ohsugi further teaches obtaining the use count from each user at the server (e.g., usage history A-D are stored at the server and can be used to calculate all user's summarized usage history, see Fig. 2 and Fig. 3 on page 250-251). Ohsugi teaches resetting the use count for each user (e.g., use counts are updated when user interaction is tracked). Thus, combining Kimball, Ohsugi, and Robinson would meet the claimed limitation for the same reason as discussed in claim 1

As to claim 4, Ohsugi further teaches requesting the use count from each user (e.g., see Fig. 2 on page 250). Thus, combining Kimball, Ohsugi, and Robinson would meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 5, Ohsugi further teaches obtaining the use weight from the server at each user (e.g., calculating all user's summarized usage history, see Fig. 3 on page 251). Thus, combining Kimball, Ohsugi, and Robinson would meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 6, Ohsugi teaches use weight from the server can be calculated and provided to a user (e.g., calculating all user's summarized usage history, see Fig. 3 on page 251). Robinson teaches requesting the use weight from the server during initialization of the

application (e.g., col. 3 lines 3-15). Thus, combining Kimball, Ohsugi, and Robinson would meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 7, Ohsugi further teaches wherein the use weight comprises one of: a neutral value, a positive likelihood value, and a negative likelihood value (e.g., all user's summarized usage history of 2 or 8%, 4 or 33%, 1 or 8, see Fig. 3 on page 251). Thus, combining Kimball, Ohsugi, and Robinson would meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 8, Ohsugi further teaches wherein the use weight comprises a byte (e.g., numerical number such as 4, 2, 3, and 1 as shown in Fig. 3 on page 251). Thus, combining Kimball, Ohsugi, and Robinson would meet the claimed limitation for the same reason as discussed in claim 1.

As to claims 13 and 18, Ohsugi further teaches recommendation for user a list of useful functions based on use weight (see page 251 right column lines 9-13). Kimball teaches automatically customize user interface element based on grouping information and usage information (e.g., [0063], [0036]). Robinson teaches modifying the user interface element for each user in the group of users based on the use weight (e.g., col. 3 lines 3-15). Thus, combining Kimball, Ohsugi, and Robinson would meet the claimed limitation for the same reason as discussed in claim 1.

As to claims 14 and 19, Ohsugi teaches further comprising a recordation system for recording the use count for each user (e.g., usage history collector, see Fig. 2 in page 250). Thus, combining Kimball, Ohsugi, and Robinson would meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 16, Ohsugi further teaches wherein the communication system further communicates the use weight to a user device for each user (e.g., recommendation for user A, see Fig. 3 on page 251). Thus, combining Kimball, Ohsugi, and Robinson would meet the claimed limitation for the same reason as discussed in claim 1.

As to claims 9, 15 and 20, Ohsugi further teaches recommendation for user a list of useful functions based on use weight (see page 251 right column lines 9-13). Kimball teaches automatically customize user interface element based on grouping information and usage information (e.g., [0063], [0036]). Robinson teaches configuring the user interface element to incorporate use data (e.g., col. 3 lines 3-15). Thus, combining Kimball, Ohsugi, and Robinson would meet the claimed limitation for the same reason as discussed in claim 1.

As to claim 11, Ohsugi further teaches
recording the use count at a user device for each user (e.g., usage history collector, see Fig. 2 in page 250);
communicating the use count from each user device to the server (e.g. each user's usage history is sent to the usage history server, see Fig. 2 and page 250 left column lines 34-40); and

communicating the use weight from the server to each user device (e.g., sending recommendation to user A, see Fig. 3 on page 251). Thus, combining Kimball, Ohsugi, and Robinson would meet the claimed limitation for the same reason as discussed in claim 1.

Response to Arguments

6. Applicant's arguments filed on 08/28/2008 have been considered but are not persuasive.

- a) Applicant argues that the cited prior art fail to teach or suggest recording a use count for the user interface element, the use count being an aggregation of use counts for every user in the group of users (e.g., see Applicant's remark pages 7, Para 3).

In response, the examiner respectfully disagrees. Ohsugi clearly shows number of times (e.g., frequency), a user interface (Functions A-E) is used (e.g., each user's usage history as shown in Fig. 3 on page 251). The frequency for each user interface with regard to each user (Function A and User A) is incremented each time the user interface is clicked. Therefore, the examiner concludes that the prior art of Ohsugi the limitation of recording usage history for user interface element for each user in the group of users, wherein the use count being an aggregation of use counts (e.g., each user's usage history as shown in Fig. 3 on page 251). In addition, Robinson suggests to the skilled artisan that group's activities are recorded and a user interface is customized based on the group activity such that there is a certain likelihood that the subject consumer tends to click on a user interface (an ad) if other members of the community tends to do the same thing (e.g., col. 2 lines 23-26, lines 62-67 through col. 3 lines 1-15). Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to have made this combination for the same reasons as set forth in claim 1.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-

33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275,277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TuyetLien T Tran/
Examiner, Art Unit 2179

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179